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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

SPOONER, LAMONT M

ART UNIT PAPER NUMBER

2654

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/550,686

Applicant(s)

HIRSCHBERG ET AL

Examiner

Lamont M. Spooner

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-5, 8-10, 24, 26-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 8-10, 24, 26-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/19/2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues regarding claims 1 and 24, page 9, para 2, 3 and 5, "Therefore, Applicant respectfully submits that Walsh et al. simply do not teach the step of tagging the voice mail message as "unknown" when the identity of the caller of a voice mail message cannot be determined because they only teach that in each case the caller's identity is already known before the caller leaves a message. Therefore, Walsh et al. further fail to teach and in fact teach away from the step of receiving an identity of the unknown message caller from the voice mail subscriber. This is because the identity of the caller is identified previously from the caller him/herself without the need of the subscriber to identify the caller.

In sum, since Walsh et al. always identify the identity of the caller, this eliminates their patent from disclosing several of the elements of claim 1 regarding (1) how to handle an unidentified caller, (2) tagging the voice mail message as unknown and (3) receiving the identity of the unknown caller from the subscriber.

Claim 24 recites a system for processing voice-mail messages comprising a means for, when the identity of the speaker of a voice mail message cannot be determined, tagging that voice mail message as unknown and receiving an identity of the unknown message caller from the voice mail subscriber. As set forth above, Walsh et al. fail to teach such a limitation."

However, the Examiner does not rely on Walsh et al. as presented by the Applicant's arguments. The Examiner refers to Walsh et al. only for, "It is noted that Epstein et al teach the claimed invention but does not explicitly teach receiving an identity of the unknown message caller from a voice mail subscriber receiving a speaker label from a voice mail subscriber. However, this feature is well known in the art as evidenced by Walsh et al who teach in figure 2 at col. 3, lines 27 to col. 4, line 42, the subscriber can tag the voice message of the caller using commands such as the "tag" command that marks the speech recognition template associated with the tagged message and saves the template Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to incorporate into Epstein the tag command as taught by Walsh et al because the system would treat any new message from the same caller in a special manner where the retrieving party could identify particular callers and provide special handling for subsequent calls from those particular callers."

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5,8-10 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Epstein et al (6,327,343) in view of Walsh et al (5,797,124).

As per claims 1 and 24, Epstein et al teach a method for indexing voice mail messages, comprising:

"Receiving one or more voice mail messages from one or more callers" (col. 6, lines 50-55);

"processing speech signals from each of the voice mail message with one or more caller speaker models" (col. 7, lines 13-26);

"Determining the identity of each of the one or more callers in each of the one or more voice mail messages by comparing the speech signals from each of the voice mail messages with one or more caller speaker models" (col. 7, lines 22-26); and

"Tagging each of the voice mail messages with the respective identity of the caller for each respective voice mail message" (abstract, the system is able of tagging the identity of a caller, col. 5, lines 37-45, his identification tagger 30);

when the identify of the voice of the caller of a voice mail message cannot be determined; tagging that voice mail message as unknown" (col. 7, lines 55-61, if the identity of the caller ultimately cannot be identified, the user (voice mail subscriber) 12 may program the system trough the programming interface 38 to process the call based on the unknown caller; and the system may be programmed to store the name and originating telephone number of every caller at col. 8, lines 15-17).

It is noted that Epstein et al teach the claimed invention but does not explicitly teach receiving an identity of the unknown message caller from a voice mail subscriber receiving a speaker label from a voice mail subscriber. However, this feature is well known in the art as evidenced by Walsh et al who teach in figure 2 at col. 3, lines 27 to col. 4, line 42, the subscriber can tag the voice message of the caller using commands such as the "tag" command that marks the speech recognition template associated with the tagged message and saves the template. Therefore, one having ordinary skill in the art at the time the invention was made would have found it obvious to incorporate into Epstein the tag command as taught by Walsh et al because the system would treat any new message from the same caller in a special manner where the retrieving party could identify particular callers and provide special handling for subsequent calls from those particular callers.

As per claims 3 and 26, Epstein et al teach wherein the speaker identity provided by the voice mail subscriber (col. 7, lines 30-35) is used to create a storage folder for the specific speaker of the voice mail (col. 8, lines 7-21).

As per claims 4 and 27, wherein the speaker models are created from one or more voice mail messages left by the same caller (col. 7, lines 17-21, the previously speaker models are created from the voice mail messages, figure 3a, his voice process data 120).

As per claims 5 and 28, Epstein et al teach wherein the speaker models are created using acoustic features extracted from the voice mail (his voice process data 120 in figure 3a, col. 8, lines 1-14).

As per claims 8 and 29, Epstein et al teach wherein the voice mail message tagged as unknown is used to adapt a previously created speaker model (col. 8, lines 1-14).

As per claims 9 and 30, Epstein et al teach wherein the step of determining the identity of the caller... using automatic number identification to assist in determining the caller's identity (col. 8, lines 8-14).

As per claims 10 and 31, Epstein et al teach using speech recognition techniques to extract caller identity ...(Col. 7, lines 16-23).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent.

5. - Tritschler et al. (6,424,946) teaches receiving a message from one or more callers, determining the identity of the callers by comparing speech signals from the messages with one or more caller speaker models, tagging each of the messages with the respective identities of the callers, when the identity of a caller is unknown tagging the message as unknown (un-enrolled/unknown speaker) and receiving the identity of the unknown caller from the subscriber.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lamont M. Spooner whose telephone number is 571/272-7613. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571/272-7602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms
6/26/05



VIJAY CHAWAN
PRIMARY EXAMINER